



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Thoman et al)	
Serial Number: 10/056,812)	Art Unit: 1774
Filed: January 24, 2002)	Examiner: Tho Duong
For: Lightweight Thermal Heat)	Att. Docket No.: NC 73962
Transfer Apparatus)	
)	

Commissioner of Patents and Trademarks
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON
FAILURE TO RECEIVE OFFICE ACTION**

Applicant hereby petitions the Commissioner of Patents under 37 CRF 1.181 to withdraw the holding of abandonment. Facts related to a restriction and related election requirement:

1. Mr. Ron Billi (Patent Counsel) became aware of an Office Action after Rosedale Yannayon (Legal Assistant) received a phone call from Mr. Tho Duong (Examiner) on April 25, 2005 regarding an application being abandoned. Mr. Billi checked the case file and did not locate the Office Action that was allegedly sent on February 4, 2004. It was therefore concluded that the Office Action was never received.
2. Mr. Ron Billi (Patent Counsel) discussed the case further with Mr. Tho Duong (Examiner) on April 27, 2005 and Mr. Billi understood that a copy of the Office Action would be forwarded to the office; however a copy was not received. On July 14, 2005, Ms. Rosedale Yannayon (Legal Assistant) called Mr. Tho Duong (Examiner) to follow-up and obtain a copy of the February 4, 2004 Office Action.

Mr. Tho Duong (Examiner) faxed a copy of the Office Action to our office at fax number (301) 342-1840.

3. Applicant's office handles a number of patent applications on a continuous basis including some PCT and national filings and files and prosecutes those applications on a regular basis. The designated correspondence address for all such applications is Customer Service Number 21124 (Naval Air Warfare Center Aircraft Division, Office of Counsel, Bldg. 435, Suite A, 47076 Liljencrantz Road, Patuxent River, Maryland 20670). The Office of Counsel at the Naval Air Warfare Center Aircraft Division, Patuxent River, Maryland has a general procedure in place for the delivery and distribution of all mail. The mail procedure in place was as follows:

1. U.S. mail is received at a central postal location at Patuxent River, MD
2. The U.S. mail is sorted and delivered twice a day by central mail personnel.
3. The central mail personnel place the incoming mail in the Legal Office incoming mailbox (located in Building 435, Suite A).
4. The Legal Assistant sorts the incoming mail each day after delivery and distributes the mail by placing it in individual mailboxes designated by individual's names.
5. Each individual of the Office of Counsel, Naval Air Warfare Center Aircraft Division, Patuxent River, Maryland checks his or her individual mailbox and retrieves their incoming mail.

6. All mail addressed to Mr. Ron Billi and Patent related is placed in Mr. Ron Billi's individual mailbox for retrieval by Mr. Ron Billi.

4. Mr. Ron Billi (Patent Counsel) was receiving all patent-related correspondence at and around the January – August 2004 timeframe. The procedure in place for receiving all patent related correspondence within the Office of Counsel, Naval Air Warfare Center Aircraft Division, Patuxent River, Maryland was and is as follows:


1. Incoming patent-related correspondence is retrieved from the individual's mailbox within the Office of Counsel. In this case Mr. Billi picks up his own mail that is delivered in his mailbox.
2. Incoming United States Patent and Trademark Office mail is opened and reviewed.
3. The original United States Patent and Trademark Office mail is punched by a two-hole punch and placed in the right side of the case file. Each patent case is retained in a 3-section file folder. The left side of the file contains all internal correspondence. The center section of the file contains all correspondence submitted to the U.S. Patent and Trademark Office. The right side of the file contains all correspondence received from the U.S. Patent and Trademark Office.

5. Applicant never received the February 4, 2004 Office Action. Other correspondence had been received from the U.S. Patent and Trademark Office regarding this case namely:
1. U.S. Patent and Trademark Notice of Recordation of Assignment Document (4 pages) dated April 1, 2002
 2. U.S. Patent and Trademark Notice Updated Filing Receipt, Confirmation No. 3394, (2 pages), Date Mailed May 1, 2002
 3. U.S. Patent and Trademark Filing Receipt, Confirmation No. 3394, (2 pages), Date Mailed February 22, 2002
 4. U.S. Patent and Trademark Formalities Letter, Notice to File Corrected Application Papers, Confirmation No. 3395, (1 page), Date Mailed February 22, 2002
 5. U.S. Patent and Trademark Notice of Publication of Application, Confirmation No. 3394 (1 page)
6. All of the documents were located in the right hand side of the case file
7. Copies of 1-5 are attached.
8. Applicant has included herein the required response under 35 U.S.C. 121 to such non-received Office Action, i.e. an election of Invention I, Claims 1-17 for examination.

9. Since the Office Action regarding a requirement for restriction and to make an election was never received, applicant requests the Commissioner to withdraw the holding of abandonment for failure to receive such Office Action.

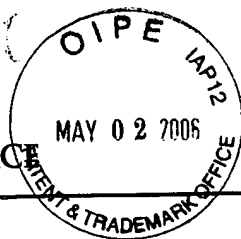
Respectfully submitted,

Ron Billi, Reg. No. 34,085
Patent Counsel


Date 4-28-06



UNITED STATES
PATENT AND
TRADEMARK OFFICE
★★★★



APRIL 01, 2002

PTAS

Chief Information Officer
Washington, DC 20231
www.uspto.gov

NAWCAD
KAREN STAPLES
OFFICE OF COUNSEL, CODE 11.0
47076 LILJENCRAVANTZ ROAD, BLDG. 435 STE A
PATUXENT RIVER, MD 20670-1550



101977296A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 01/24/2002

REEL/FRAME: 012535/0942
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
THOMAN, STEVE

DOC DATE: 10/31/2001

ASSIGNOR:
TRABOCCO, RONALD

DOC DATE: 11/01/2001

ASSIGNOR:
DONNELLAN, MARY

DOC DATE: 11/05/2001

ASSIGNEE:
U.S. OF AMERICA AS REPRESENTED BY
THE SECRETARY OF THE NAVY, THE
BALLSTON TOWER ONE, 800 QUINCY
STREET
CHIEF OF NAVAL RESEARCH OFFICE OF
COUNSEL
ARLINGTON, VIRGINIA 22217

SERIAL NUMBER: 10056812
PATENT NUMBER:

FILING DATE: 01/24/2002
ISSUE DATE:

012535/0942 PAGE 2

DIANE RUSSELE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

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02-08-2002

Form PTO-1595
(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

Tab settings



101977296

U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Steve Thoman
Ronald Trabocco
Mary Donnellan

2. Name and address of receiving party(ies)

Name: The U.S. of America as represented
by the Secretary of the Navy
Internal Address: Chief of Naval Research
Office of Counsel (ATTN: Code 00CCIP)Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Street Address: Ballston Tower One800 Quincy StreetCity: Arlington State: VA Zip: 22217Execution Date: 31 Oct 01Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: 31 Oct 01

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Office of Counsel Code 11.0Internal Address: NAWCADBldg. 435 Ste AATTN: Karen StaplesStreet Address: 47076 Liljencrantz RoadPatuxentCity: River State: MD Zip: 20670-15506. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41).....\$ 40.00

- ☐ Enclosed
☒ Authorized to be charged to deposit account

8. Deposit account number:

500938

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Ron Billi

Name of Person Signing

Ron Billi
Signature1-24-02
DateTotal number of pages including cover sheet, attachments, and documents: 2Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents & Trademarks, Box Assignments
Washington, D.C. 20231

02/07/2002 GTON11 00000082 500938 10056812

01 FC:581

40.00 CH

J1040 U.S. PTO

10/056812

01/24/02

ASSIGNMENT OF INVENTION

WHEREAS, ~~I~~(we) Steve Thoman, Ronald Trabocco and Mary Donnellan of 19640 Tower Hill Road Leonardtown, MD 20650, 109 Harvard Drive Trappe, PA 19426 and 300 Meadow Lark Lane Boalsburg, PA 16827

while employed by the Government of the United States of America, hereinafter referred to as the Government, have made an invention entitled "Lightweight Thermal Heat Transfer Apparatus"

identified as Navy Case No. 73962 and described in application for Letters Patent of the United States of America executed by ~~me~~ (us) on 31 Oct 01; and

WHEREAS, the conditions under which the invention was made are such as to entitle the Government under Paragraph 1(a) of Executive Order 10096 to the entire right, title, and interest therein, including foreign rights; and

WHEREAS, the Government is desirous of obtaining the entire right, title and interest in and to the invention disclosed in said application within the United States of America, its territories and possessions and other rights and benefits herein granted; and

WHEREAS, as to foreign rights, the Government desires an option to obtain such rights;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration the receipt of which is hereby acknowledged, ~~I~~(we) hereby assign and transfer to the United States of America as represented by the Secretary of the Navy the entire right, title, and interest in and to said invention within the United States of America, its territories and possessions, and the entire right, title, and interest in and to said application and any continuation, division or substitution thereof, and such Letters Patent as may issue therefrom and any reissue or extensions thereof, said invention, application and Letters Patent to be held by the United States of America as represented by the Secretary of the Navy to the end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been held by ~~me~~(us) had this assignment not been made.

~~I~~(We) do hereby also grant unto the Government, the option to take the entire right, title, and interest in and to the invention and all patent applications, patents and other forms of protection thereon in countries foreign to the United States of America within eight months of the filing date of any application for United States Letters Patent covering the invention; such option to be exercised by a written notification to ~~me~~(us) within such eight months identifying the specific foreign countries in which the Government will file or cause to be filed an application for patent or other form of protection on the invention; and that the rights in the foreign countries not exercised under the option are left to ~~me~~(us) subject to a nonexclusive, irrevocable, royalty-free license to the Government in any patent or other form of protection which may issue on the invention in any foreign country, including the power to issue sub-licenses for use in behalf of the Government and/or in furtherance of the foreign policies of the Government.

~~I~~(We) hereby further agree to make, execute, and deliver to the Government, any and all papers, documents, affidavits, statements, or other instruments that may be necessary in the prosecution of the application and of any continuation, division or substitution of the application, or any application for reissue or extension of said Letters Patent, and to assist the Government in every way in protecting the invention as may be requested, provided that any expense arising through such efforts will be paid by the Government.

IN TESTIMONY WHEREOF, ~~I~~(we) have set ~~my~~ (our) hand(s) and affixed ~~my~~ (our) seal(s).

10/31/01

(date)

11/1/01

(date)

11/5/01

(date)

Steve F. Thoman Seal
Steve Thoman

Ronald E. Trabocco Seal
Ronald Trabocco

Mary E. Donnellan Seal
Mary Donnellan



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/056,812	01/24/2002	1774	1022	73962	2	31	4

CONFIRMATION NO. 3394

UPDATED FILING RECEIPT



OC000000008002169

21124
NAVAL AIR WARFARE CENTER AIRCRAFT
DIVISION OFFICE OF COUNSEL BLDG 435
SUITE A
47076 LILJENCRANTZ ROAD UNIT 7
PATUXENT RIVER, MD 20670

Date Mailed: 05/01/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steve Thoman, Leonardtown, MD;
Ronald Trabocco, Trappe, PA;
Mary Donnellan, Boalsburg, PA;

9

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 02/22/2002

Projected Publication Date: 07/24/2003

Non-Publication Request: No

Early Publication Request: No

Title

Lightweight thermal heat transfer apparatus

Preliminary Class

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/056,812	01/24/2002	1774	1022	73962	2	31	4

CONFIRMATION NO. 3394

21124
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DIVISION OFFICE OF COUNSEL BLDG 435
SUITE A
47076 LILJENCRANTZ ROAD UNIT 7
PATUXENT RIVER, MD 20670

FILING RECEIPT



OC000000007518508

Date Mailed: 02/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steve Thoman, Leonardtown, MD;
Ronald Trabocco, Trappe, PA;
Mary Donnellan, Boalsburg, PA;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 02/22/2002

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No

Title

Lightweight thermal heat transfer apparatus

Preliminary Class

503

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

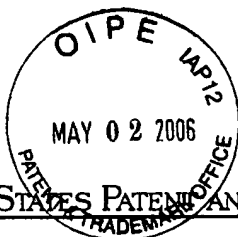
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/056,812	01/24/2002	Steve Thoman	73962

CONFIRMATION NO. 3394

FORMALITIES LETTER



OC000000007518509

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DIVISION OFFICE OF COUNSEL BLDG 435
SUITE A
47076 LILJENCRANTZ ROAD UNIT 7
PATUXENT RIVER, MD 20670

Date Mailed: 02/22/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- The Claim(s) commencing on a separate sheet (37 CFR 1.75(h)).

*A copy of this notice **MUST** be returned with the reply.*

Melaniebet kibret

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILED OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/056,812	01/24/2002	Steve Thoman	73962

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DIVISION OFFICE OF COUNSEL BLDG 435
SUITE A
47076 LILJENCRANTZ ROAD UNIT 7
PATUXENT RIVER, MD 20670

CONFIRMATION NO. 3394



OC00000010555839

Title: Lightweight thermal heat transfer apparatus

Publication No. US-2003-0138613-A1

Publication Date: 07/24/2003

NOTICE OF PUBLICATION OF APPLICATION

The above-identified application will be electronically published as a patent application publication pursuant to 37 CFR 1.211, et seq. The patent application publication number and publication date are set forth above.

The publication may be accessed through the USPTO's publically available Searchable Databases via the Internet at www.uspto.gov. The direct link to access the publication is currently <http://www.uspto.gov/patft/>.

The publication process established by the Office does not provide for mailing a copy of the publication to applicant. A copy of the publication may be obtained from the Office upon payment of the appropriate fee set forth in 37 CFR 1.19(a)(1). Orders for copies of patent application publications are handled by the USPTO's Office of Public Records. The Office of Public Records can be reached by telephone at (703) 308-9726 or (800) 972-6382, by facsimile at (703) 305-8759, by mail addressed to the United States Patent and Trademark Office, Office of Public Records, Alexandria, VA 22313-1450 or via the Internet.

In addition, information on the status of the application, including the mailing date of Office actions and the dates of receipt of correspondence filed in the Office, may also be accessed via the Internet through the Patent Electronic Business Center at www.uspto.gov using the public side of the Patent Application Information and Retrieval (PAIR) system. The direct link to access this status information is currently <http://pair.uspto.gov/>. Prior to publication, such status information is confidential and may only be obtained by applicant using the private side of PAIR.

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Initial Patent Examination Division (703) 308-1202